

Effective 5/13/2014

11-32-4 Assignment of rights to receive delinquent tax receivables to financing authority -- Documentation -- Agreement.

- (1) At any time following the date of delinquency for property in Title 59, Chapter 2, Part 13, Collection of Taxes, the governing body of any county desiring to implement the provisions of this chapter by assigning the delinquent tax receivables of the participant members to its authority shall ascertain the amount of delinquent taxes owed to the participant members within the county. After ascertaining the amount of delinquent tax receivables owed, the governing body of the county may, as agent for the other participant members, assign the rights of the participant members to receive the delinquent tax receivables, in whole or in part, as designated by the governing body of the county, to the financing authority. The assignment of rights described above shall take the form of an assignment of an account receivables. The purchase price paid by the authority may be equal to, greater than, or less than the amount of the delinquent tax receivables sold to the authority. The documentation by which the transfer of the delinquent tax receivables are made shall contain the following:
- (a) the tax year or years for which the delinquent taxes owing were levied;
 - (b) the amount of taxes, interest, and penalties due to the participant members with respect to the tax years as of the date the accounts are assigned;
 - (c) the tax identification numbers or other descriptions of the specific properties with respect to which the delinquent tax receivables are being assigned;
 - (d) the interest rate at which the delinquent taxes subject to the assignment bear interest pursuant to Section 59-2-1331;
 - (e) the discount or premium, if any, at which the account is assigned;
 - (f) a certificate representing the transfer of the rights of the county and the other participant members to receive the amounts due and owing the county and the other participant members with respect to the delinquent tax receivables transferred; and
 - (g) certification by the governing body of the county that all amounts received by the county with respect to the delinquent taxes, interest, and penalties assigned to the authority and owed to the county and the other participant members, for the tax years specified, upon the specified property, and the additional interest and penalties to accrue on the delinquent amounts, shall be deposited upon receipt into a special fund of the county created for this purpose and shall be used solely to pay the amounts falling due to the financing authority as specified in the assignment agreement.
- (2) The assignment agreement shall contain a statement to the effect that any amounts falling due under it are payable solely from a special fund into which the county shall pay the amounts collected with respect to the delinquent tax receivables pledged and shall state that under no circumstances may the county or any of the other participant members be required to use any other funds, property, or money of the county or the other participant members or to levy any tax to satisfy amounts due under the agreement.

Amended by Chapter 189, 2014 General Session